REMARKS

Claims 1-16, 18, and 20 are pending. Claims 1, 11, and 15 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claim Objection

The Office Action objects to claims, 1, 11, and 15 due to a lack of antecedent basis for particular claim elements. Applicant has amended claims 1, 11, and 15 to address these antecedent basis issues. Applicant notes that for claim 15 antecedent basis for "the external resource" is found at line 6 of the claim. Accordingly, withdrawal of the objection is respectfully requested.

Prior Art Rejections

The Office Action rejects claims 1, 3, 5, 6, 11, 13, 15, and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Tock (US 5,815,718) in view of Domenikos (US 5,838,910) and further in view of Jin (US 6,330,689); claims 4 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Tock, Domenikos, Jin, and Tso (US 6,247,050); claims 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Tock, Domenikos, Jin, and Kimishima (US 5,978,846); and claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Tock, Domenikos, Jin, and Kimishima. These rejections are respectfully traversed.

Applicants note that at paragraph 10 of the Office Action Tock and Domenikos are named in the rejection of independent claims 1, 11, 15, and 18 but Jin is not included. The Office Action, however, refers to Jin in the body of the rejection as providing features not taught in Tock and Domenikos. Applicant presumes that the rejection of claims 1, 11, 15, and 18 is based on the combination of Tock, Domenikos, and Jin and provide the following arguments accordingly.

As recognized in the Office Action both Tock and Domenikos fail to teach or suggest each execution request having one corresponding execution module stored in a memory (remotely on the network) that relates to the execution request and the device performing the execution. The Office Action also recognizes that Tock and Domenikos fail to teach or suggest installing the execution module upon acquiring and uninstalling the execution module once executed. The Office Action alleges that Jin provides this teaching absent in Tock and Domenikos and is combinable with Tock and Domenikos teachings. Applicant respectfully disagrees.

Applicant reminds the Examiner that three elements must be meet to find obviousness under 35 U.S.C. § 103. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (when combined) must teach or suggest all the claim limitations. See MPEP 2143. Applicant respectfully submits that Jin in combination with Tock and Domenikos fails to satisfy all these requirements.

Jin teaches a client server system in which a server architecture is developed to manage client requests and agents stored on the server that perform the necessary requests of the client. The client server system is specifically designed for web (Internet) based applications. In Jin's system, a server receives a client request in which an agent associated with that client request is then retrieved. Each agent is controlled by an application manager. The application managers may be run within the server's process (in process) or within its own separate process (out of process). The agents themselves implement the functionality underlying the request.

The Office Action alleges that the loading of agents into a memory and the unloading of agents from the memory once it finishes the request as discussed in the background section at col. 2, line 63 - col. 7, line 9 discloses Applicant's claimed features absent in Domenikos and Tock and is combinable with Domenikos and Tock's teachings. Applicant respectfully submits that Jin teaches that the loading and unloading of an agent each time a request arrives and the agent is executed is a disadvantage due to the system of Jin since the unloading consumes resources resulting in a relatively low response time and includes other activities during the communication processes that further slow the system. See col. 3, lines 4-9.

Further, within the confines of Jin's system itself nowhere does it teach or suggest that an agent is loaded and then immediately unloaded from memory upon execution of that particular agent. In fact, to the contrary, Jin's system is designed to remedy the slowness accompanied with immediately removing the agent from the memory after execution by maintaining the agent to a table of running agents. The agent is not removed from memory immediately upon execution.

Although in the background section Jin teaches that an agent can be loaded and unloaded once it finishes the request, there is no motivation to combine this teaching with Tock and

Domenikos. Applicant notes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "A test for an implicit showing is what the combined teaching, one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have been suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). Applicant respectfully submits that neither Tock or Domenikos teach or suggest combining the feature of remotely loading an agent from a memory on the network and immediately upon execution of that particular module removing the execution module from a device. In fact, this is recognized in the Office Action where the Examiner states that the feature is not taught or suggested by Tock or Domenikos. Further, Jin does not provide the motivation for combining the teaching with Tock and Domenikos. To the contrary, Jin teaches that implementing this feature slows the system and is an unfavorable system. Jin further teaches implementation of its teachings in the background in accordance with a web based server. Applicant submits that the present invention is directed to loading and unloading of execution modules within a particular device such as a printer, copier, etc., and not for unspecific implementation within a web based Internet site only.

Applicant respectfully submits that there is no motivation or suggestions to combine Jin's teachings in the device structure as in Tock and Domenikos and the present invention. Further, Applicant respectfully submits that one of ordinary skill in the art would not look to Jin's teachings as it teaches that this particular teaching is inappropriate for particular web based Internet servers and does not provide a suggestion or teaching that such a feature can be

implemented in a device structure as in Tock or Domenikos in order to present the claimed features as a whole.

Applicant respectfully submits that an ad hoc examination in which individual features of the claims are taught cannot satisfy the requirements under 35 U.S.C. § 103 alone. There must be a motivation or suggestion within the references or by one of ordinary skill to combine those teachings to teach the claimed features as a whole. In the instant application, the combination of Tock and Domenikos and Jin fails to provide sufficient motivation or suggestion to combine their teachings to achieve Applicants' claimed features as required.

Therefore, in view of the above, Applicant respectfully submits that the combination of Tock, Domenikos, and Jin fails to teach, inter alia, wherein each execution request has one corresponding function execution module stored in the memory that relates to the execution request for the device apparatus, the function execution module being installed in the execution device upon acquiring from the memory and uninstalled from the execution device upon execution of the function execution module as recited in the independent claims 1, 11, 15, and 18. Further, Tso and Kimishima fail to make up for the deficiencies of Tock, Domenikos, and Jin. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.
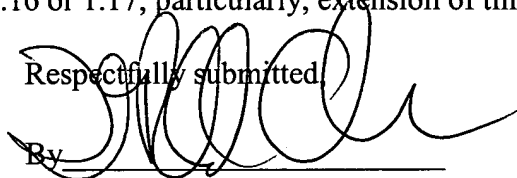
Conclusion

For at least these reasons, it is submitted that claims 1-16, 18, and 20 are distinguishable

on the cited art.   Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present

application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917)

at the telephone number of the undersigned below, to conduct an interview in an effort to

expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future

replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 15, 2006   Respectfully submitted,

By

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